IFW



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96470

François LE MANER, et al.

National Stage of: PCT/FR2005/050145

Appln. No.: 10/588,716

Group Art Unit: 3754

Confirmation No.: 1158

Examiner: Not Yet Assigned

Filed: August 8, 2006

For:

CLAMPING RING AND LIQUID PRODUCT DISTRIBUTING DEVICE COMPRISING

SUCH A RING (as amended)

SUBMISSION OF ENGLISH TRANSLATION OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

MAIL STOP PCT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of an English translation of the International Preliminary Report on Patentability for the above-identified application. It is noted that the six (6) references cited in the Report were previously listed on the PTO/SB/08 form submitted with the Information Disclosure Statement filed in the U.S. Patent and Trademark Office on August 8, 2006, along with copies of the foreign references.

Respectfully submitted,

Registration No. 43,078

Raja N. Saliba

Raja Sak

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

washington office 23373 customer number

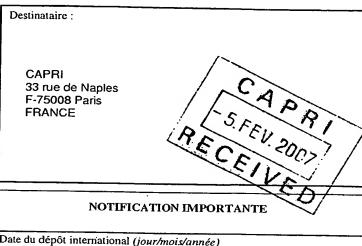
Date: February 26, 2007

Expéditeur : le BUREAU INTERNATIONAL

PCT

NOTIFICATION DE TRANSMISSION DE COPIES DE LA TRADUCTION DU RAPPORT D'EXAMEN PRELIMINAIRE INTERNATIONAL SUR LA BREVETABILITE (CHAPITRE I OU CHAPITRE II DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)



Date d'expédition (jour/mois/année)
01 février 2007 (01.02.2007)

Référence du dossier du déposant ou du mandataire
VALS 838 PCT

Demande internationale n°
PCT/FR2005/050145

Date du dépôt international (jour/mois/année)
03 mars 2005 (03.03.2005)

VALOIS SAS etc

l.	Transmission	de	la	traduction	au	déposant.
----	--------------	----	----	------------	----	-----------

Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre II).

2. Transmission d'une copie de la traduction aux offices désignés ou élus.

Le Bureau international notifie au déposant qu'une copie de cette traduction a été transmise aux offices désignés ou élus suivants qui exigent la traduction en question:

KR

Les offices désignés ou élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du Guide du déposant du PCT pour de plus amples renseignements.

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse Fonctionnaire autorisé

Beate Giffo-Schmitt

n° de télécopieur +41 22 338 82 70

n° de télécopieur +41 22 338 82 70

TRANSLATION PATENT COOPERATION TREATY POTT INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or a	gent's file reference	ce				
1		FOR FURTHER	ACTION	See Form PCT/IPEA/416		
International application No. International filin		International filing of	late (day/month/year)	Priority date (day/month/year)		
PCT/FR	2005/050:	145	03.03.20	05	04.03.2004	
International Pa	tent Classification	(IPC) or natio	onal classification and	I IPC		
	/14, B05					
Applicant						
VALOIS	SAS					
1. This r	eport is the intern	national prelim	ninary examination re	eport, established by this	s International Preliminary Examining Authority	
under	Article 35 and trai	nsmitted to the	applicant according	to Article 36.	The manufacture of the state of	
2. This F	REPORT consists	of a total of	5	sheets, includi	ing this cover sheet.	
3. This re	eport is also accon	npanied by AN	NEXES, comprising	:		
a. [>	(sent to the a	applicant and t	o the International B	urequ) a total of 2	sheets, as follows:	
					amended and are the basis for this report and/or	
	sheets of Instruct	containing rec	tifications authorized	by this Authority (see R	Rule 70.16 and Section 607 of the Administrative	
	sheets	which superse	de earlier sheets, but	which this Authority co	onsiders contain an amendment that goes beyond	
	Box.	closure in the	international applica	tion as filed, as indicate	ed in item 4 of Box No. I and the Supplemental	
ь. Г	\ \(\(\sec\) to the \(\)	nternational R	burgay anhi) a total of	Cindicate tume and	per of electronic carrier(s))	
o		mermanonan D	areau omy) a total of	(maleate type and nume	er of electronic carrier(s))	
	related therets	:			. containing a sequence listing and/or tables	
related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).						
4. This re	eport contains indi	cations relatin	g to the following ite	ms:		
\boxtimes	Box No. I	Basis of the r	report			
	Box No. II	Priority		·		
	Box No. III	Non-establish	hment of opinion with	n regard to novelty inver	ntive step and industrial applicability	
Box No. IV Lack of unity of invention					and step and moustral appreadinty	
\square		7		25/2) with	alore to the second of the second	
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				elly, inventive step or industrial applicability:	
	Box No. VI Certain documents cited					
	Box No. VII	Certain defec	ts in the international	application		
	Box No. VIII Certain observations on the international application					
Date of submission of the demand		Date of completion of this report				
Name and mailing address of the IPEA/EP		Authorized officer				
•						
Facsimile No.		Telephone No.				

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2005/050145

Box	No. I	l	Basis of the report			
1.	Witl	h regard cated un	to the language, this report is based on the internation	nal application in the language in	which it was filed, unless otherwise	
			eport is based on translations from the original langua is the language of a translation furnished for the purp		<u> </u>	
			international search (Rule 12.3 and 23.1(b))			
			publication of the international application (Rule 12.4)		
			international preliminary examination (Rule 55.2 and/	or 55.3)		
2.	rece	h regard riving Oj report):	to the elements of the international application, this fice in response to an invitation under Article 14 ar	report is based on (replacement e referred to in this report as "o	sheets which have been furnished to the originally filed" and are not annexed to	
		the int	ernational application as originally filed/furnished			
	\boxtimes	the de	scription:			
		pages	1-6		as originally filed/furnished	
		pages*		received by this Authority on		
Ì		pages*		received by this Authority on		
	\boxtimes	the cla	ims:			
		nos.			as originally filed/furnished	
		nos.*		as amended (togethe	er with any statement) under Article 19	
		nos.*	1-11	received by this Authority on	28.12.2005 with letter of 27.12.2005	
		nos.*				
	\boxtimes	the dra	wings:			
ŀ		sheets	1/3-3/3	•	as originally filed/furnished	
		sheets'	*			
		sheets'				
	\Box	a centr				
,	a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.					
3.	ш		nendments have resulted in the cancellation of:			
		\Box	he description, pages		·	
			he claims, nos.			
			he drawings, sheets/figs			
			he sequence listing (specify):			
	_					
4.		they ha	eport has been established as if (some of) the amend are been considered to go beyond the disclosure as fil	ed, as indicated in the Supplement	ntal Box (Rule 70.2(c)).	
		\Box	he description, pages			
			he claims, nos.	•		
		닖 '	he drawings, sheets/figs	· · · · · · · · · · · · · · · · · · ·		
			he sequence listing (specify):			
			iny table(s) related to sequence listing (specify):			
*	If ite	т 4 арр	lies, some or all of those sheets may be marked "supe	erseded."		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/FR2005/050145

Box	x No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1.	Statement		
	Novelty	(N) Claims 1-11	YES
		Claims	_ NO
	Inventiv	re step (IS) Claims 1-11	YES
		Claims 1 11	_
	Industria	al applicability (IA) Claims 1-11	
		Claims	
2.	Citations an	rd explanations (Rule 70.7)	
	1.	Reference is made to the following documents:	
	- •	D1: WO 00/41951 A (CROWN CORK & SEAL TECH CORP) 20	
		July 2000 (2000-07-20)	
		D2: FR-A-2 516 058 (CEBAL) 13 May 1983 (1983-05-13)	
		D3: FR-A-2 842 875 (VALOIS SA) 30 January 2004 (200	<i>1</i>
		01-30)	7 —
		D4: DE 79 04 531 U (GROTHOFF HANS) 30 April 1980	
		(1980-04-30)	
		D5: GB-A-2 344 621 (BESPAK PLC) 14 June 2000 (2000-	06-
		14)	
		D6: EP-A-0 498 275 (TADA TETSUYA) 12 August 1992	
		(1992-08-12)	
	2.	D1, which is considered to be the prior art closest	to
		the subject matter of claim 1, describes (the	
		references between parentheses apply to said document	t):
		a ring (10) for fastening a dispensing member (90),	
		such as a pump or a valve, onto a neck (20) of a	
		container (29) containing a product to be dispensed,	
		which comprises deformable sealing means (32) engaging	ng
		said neck of said container to fasten said dispensing	3
		member sealingly thereto.	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/FR2005/050145

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Consequently, the subject matter of claim 1 differs from this known fastening ring in that the sealing means comprise two deformable lips.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can be considered to be that of improving the seal.

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) for the following reasons: D1 discloses only one deformable lip as sealing means, but none of documents D2 to D6 discloses two deformable lips.

- 3. Claims 2 to 11 are dependent on claim 1 and thus also comply, as such, with the PCT requirements of novelty and inventive step.
- 4. Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D1 has not been indicated in the description, nor has said document been cited.